

**SUPREME COURT MINUTES  
WEDNESDAY, JANUARY 12, 2005  
SAN FRANCISCO, CALIFORNIA**

**S112862**B152928 Second Appellate District,  
Division OneGRAHAM v. DAIMLERCHRYSLER CORPORATION  
Opinion modified - no change in judgment**S128854**B159379 Second Appellate District,  
Division SevenPEOPLE v. VASQUEZ  
Petition for review granted; issues limited

The issue to be briefed and argued is limited to the following: Are defendants entitled to reversal on the ground the trial court erred in denying defendant Vasquez's request to recuse the entire Los Angeles County District Attorney's Office in light of his allegations he was being treated more harshly due his parents' long-term employment in the office?

Votes: George, C.J., Kennard, Werdegar and Brown, JJ.

**S129220**A100240 First Appellate District,  
Division TwoFAIR v. BAKHTIARI  
Petition for review granted

Votes: George, C.J., Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S121173**

F041148 Fifth Appellate District

FOX v. ETHICON ENDO-SURGICAL INC.  
Supplemental briefing ordered

In addition to the issue set forth in the petition for review, the parties are requested to brief the following issues:

Could plaintiff have protected her interests by employing more skillful Doe pleading under Code of Civil Procedure section 474 by including general Doe allegations in her original complaint? Would such allegations have allowed plaintiff to add Ethicon Endo Surgical, Inc. as a new defendant by "relating back" to the earlier complaint?

The parties are directed to file simultaneous supplemental letter briefs on these questions on

or before January 21, 2005. Simultaneous reply briefs may be filed on or before January 28, 2005.

**S129212**

H026166 Sixth Appellate District

**PEOPLE v. CAUDILLO**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Cage*, S127344 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Vote: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129454**E034462 Fourth Appellate District,  
Division Two**PEOPLE v. PEREZ**

review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129579**D042896 Fourth Appellate District,  
Division One**PEOPLE v. WAGENER**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing,

pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129653**

C044555 Third Appellate District

FAIR POLITICAL PRACTICES COMMISSION v.  
SANTA ROSA INDIAN COMMUNITY  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Agua Caliente Band of Cahuilla Indians v. Superior Court*, S123832 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129790**

C044502 Third Appellate District

PEOPLE v. LEIGHTON  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129800**

A101084 First Appellate District,  
Division Two

PEOPLE v. SORIA  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the

court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129912**

D042623 Fourth Appellate District,  
Division One

**PEOPLE v. VASQUEZ**

Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Black*, S126182, and *People v. Towne*, S125677 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S129092**

H027157 Sixth Appellate District

**COSTELLA (DAVID LOUIS) ON H.C.**

Review granted; transferred to CA 6 to issue OSC

The matter is transferred to the Court of Appeal, Sixth Appellate District, with directions to vacate its October 1, 2004 order denying the petition for writ of habeas corpus and to issue an order to show cause, returnable before the Santa Clara County Superior Court. The Director of the Department of Corrections is ordered to show cause before the Santa Clara County Superior Court, when the matter is ordered on calendar, why petitioner is not entitled to relief based on the ineffective assistance of trial counsel for failing to conduct an investigation into the credibility of witness M., and for failing to investigate and present lay and expert testimony establishing that petitioner did not exhibit sexually deviant personality characteristics, as petitioner contends in claims I and III of the petition for writ of habeas corpus

filed in the Court of Appeal on March 8, 2004.  
The return is to be filed on or before  
February 10, 2005.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S129168**

A108162 First Appellate District,  
Division One

V. (FATIMA) v. S.C. (PEOPLE)

Review granted; transferred to CA 1/1 to issue OSC

The matter is transferred to the Court of Appeal, First Appellate District, Division One, with direction to vacate its order denying mandate and to issue an order directing respondent Superior Court of Contra Costa County to show cause why the relief sought in the petition should not be granted. (*Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 377, fn.14, 379-380; *Joe Z. v. Superior Court* (1970) 3 Cal.3d 797, 801-802; *Robert S. v. Superior Court* (1992) 9 Cal.App.4th 1417, 1422-1426; *Hubbard v. Superior Court* (1997) 66 Cal.App.4th 1163, 1166-1171.)

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno JJ.

**S076118**

AVENA (CARLOS J.) ON H.C.

Petition for writ of habeas corpus denied

The petition for a writ of habeas corpus, filed by petitioner Carlos Jaime Avena on January 22, 1999, is denied.

Each claim is denied on the merits for failure to state a prima facie case for relief.

Claims 1, 2a-2x, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 17 are also barred as untimely. (See *In re Robbins* (1998) 18 Cal.4th 770, 780-781; *In re Clark* (1993) 5 Cal.4th 750, 763-799.)

Claims 7 and 17 are also barred because, being based entirely on the facts in the appellate record, they could have been, but were not, raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759; see *In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3.)

Claims 9, 10, 11 and 12 are also barred to the

extent they could have been raised on appeal. (*In re Dixon, supra*, 41 Cal.2d at p. 759; see *In re Harris, supra*, 5 Cal.4th at p. 825, fn. 3.) To the extent these claims were actually raised and rejected on appeal, they are also barred for that reason. (*In re Waltreus* (1965) 62 Cal.2d 218, 225.)

Because petitioner's first habeas corpus petition was filed in this court before the date of finality in *In re Clark* (1993) 5 Cal.4th 750, the rule barring successive or repetitive claims is inapplicable. (See *In re Robbins* (1998) 18 Cal.4th 770, 788, fn. 9.)

Justice Brown would deny all claims solely on the merits.

Kennard, J., is of the opinion the petition should be granted.

**S128305** Fourth Appellate District,  
E036588 Division Two

RODGERS (OTIS L.) ON H.C.  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S128608**  
A103342 First Appellate District,  
Division Four

WHITWORTH v. CITY OF SONOMA  
Petition for review & publication request denied

**S128750**  
H026428 Sixth Appellate District

YAQUB v. SALINAS VALLEY MEMORIAL  
HEALTHCARE SYSTEM  
Petition for review & depublication request denied

Brown, J. is of the opinion the petition should be granted.

**S128808**  
E036713 Fourth Appellate District,  
Division Two

MAUZEY (RONALD) ON H.C.  
Petition for review denied

**S128811**

D045079 Fourth Appellate District,  
Division One

THOMPkins (RUFUS) ON H.C.  
Petition for review denied

**S128904**

A105511 First Appellate District,  
Division Four

MORGOVSKY v. DOUBNOV CAPITAL  
INVESTMENTS INC.  
Petition for review & publication request denied

**S128932**

A103836 First Appellate District,  
Division Two

MILLER v. RUPF  
Petition for review denied

Werdegarr, J., was recused and did not  
participate.

**S128936**

A103416 First Appellate District,  
Division One

SWEIS v. SEQUOYAH HTS HOMEOWNERS ASSN.  
Petition for review denied

**S128943**

G034600 Fourth Appellate District,  
Division Three

EXCESS & SURPLUS LINES INS. v. S.C. (SPRINT)  
Petition for review denied

**S128952**

E036758 Fourth Appellate District,  
Division Two

GORDON (ANTHONY) ON H.C.  
Petition for review denied

**S128955**

B172631 Second Appellate District,  
Division Seven

COLE v. CALIFORNIA INSURANCE GUARANTEE  
Petition for review & depublishation request denied

**S128962**

D045089 Fourth Appellate District,  
Division One

EDENBAUM v. S.C. (KAY)  
Petition for review denied

**S128967**

B165551 Second Appellate District,  
Division Six

PEOPLE v. O'NEAL  
Petition for review denied

**S128981**  
H026539 Sixth Appellate District

JOVICH v. GREEN HILLS SOFTWARE INC.  
Petition for review denied

**S128984**  
G033380 Fourth Appellate District,  
Division Three

MELTZER v. MAXSYS TECHNOLOGIES  
Petition for review denied

**S129006**  
B170198 Second Appellate District,  
Division Six

NAVARRO v. PERRON  
Petition for review & depublication request denied

**S129017**  
H027904 Sixth Appellate District

THOMPSON v. W.C.A.B. (PACIFIC GROSERVICE)  
Petition for review denied

**S129079**  
B164479 Second Appellate District,  
Division One

ESPINO v. WHITE CONSOLIDATED INDUSTRIES  
Petition for review denied

**S129084**  
B169948 Second Appellate District,  
Division Eight

MOOR v. GOURLEY  
Petition for review & depublication request denied

Moreno, J., was recused and did not participate.

**S129094**  
B170919 Second Appellate District,  
Division Two

PEOPLE v. LOPEZ  
Petitions for review denied

**S129107**  
A108138 First Appellate District,  
Division Four

LEE v. NETWORK OF CITY BUSINESS JOURNALS  
Petition for review denied

**S129136**  
A104687 First Appellate District,  
Division Four

NACIMIENTO REGIONAL WATER MGMT ADV v.  
MONTEREY COUNTY WATER RESOURCES  
Petition for review denied

**S129138**  
D041700 Fourth Appellate District,  
Division One

EDENBAUM v. RALPH'S GROCERY  
Petition for review denied



**S129143**

F044609 Fifth Appellate District

F. (RAYMOND), IN RE  
Petition for review denied**S129171**B178888 Second Appellate District,  
Division SevenUTICA MUTUAL INS v. S.C. (GOULDS PUMPS)  
Petition for review denied

Chin, J., was recused and did not participate.

**S129174**D043149 Fourth Appellate District,  
Division OneCOURTNEY v. LISTER  
Petition for review denied**S129200**

C038336 Third Appellate District

JARRATT v. BACH  
Petition for review denied**S129211**

H027472 Sixth Appellate District

CAUDILLO (JOHN MOSE) ON H.C.  
Petition for review denied**S129229**A105212 First Appellate District,  
Division FourMCINTYRE v. CRUISE AMERICA  
Petition for review denied**S129232**A105220 First Appellate District,  
Division OneJACKSON v. HEALTHNET INSURANCE  
Petition for review & publication request denied**S129239**B177549 Second Appellate District,  
Division ThreeTIME WARNER v. WCAB (KIMBERLY)  
Petition for review denied**S129240**

C041897 Third Appellate District

COALITION FOR REASONABLE REGULATION v.  
CALIF AIR RESOURCES BOARD  
Petition for review denied**S129246**

H027622 Sixth Appellate District

P. (ROBERT) ON H.C.  
Petition for review deniedKennard, J ., is of the opinion the petition should  
be granted.

**S129248**

B178399 Second Appellate District,  
Division Six

EDWARD (BRIAN D.) ON H.C.  
Petition for review denied

**S129252**

D043141 Fourth Appellate District,  
Division One

PEOPLE v. LEDEZMA  
Petition for review denied

**S129267**

B164068 Second Appellate District,  
Division Two

PARTOVI v. CITY OF LOS ANGELES DEPT. OF  
WATER AND POWER  
Petition for review denied

**S129273**

A102451 First Appellate District,  
Division One

PEOPLE v. CROSS  
Petition for review denied

**S129275**

D042499 Fourth Appellate District,  
Division One

M. (AARON), IN RE  
Petition for review denied

**S129302**

D043847 Fourth Appellate District,  
Division One

I. (KITTY), IN RE  
Petition for review denied

**S129308**

C045008 Third Appellate District

PEOPLE v. CLEMON  
Petition for review denied

**S129310**

E032801 Fourth Appellate District,  
Division Two

PEOPLE v. ORRANTE  
Petition for review denied

**S129311**

G032388 Fourth Appellate District,  
Division Three

PEOPLE v. CALLEROS  
Petition for review denied

**S129322**

C042795 Third Appellate District

PEOPLE v. CLARK  
Petition for review denied

denied without prejudice to any relief to which

defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129336**

C042024 Third Appellate District

## PEOPLE v. LARSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129340**B174367 Second Appellate District,  
Division One

## PEOPLE v. HARRIS

Petitions for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129349**G032161 Fourth Appellate District,  
Division Three

## PEOPLE v. WILSON

Petition for review denied

**S129352**A108278 First Appellate District,  
Division Five

## CALIF HIGHWAY PATROL v. S.C. (RAMIREZ)

Petition for review denied

Brown, J., is of the opinion the petition should be granted.

**S129364**

H028090 Sixth Appellate District

## CLARK v. S.C. (PEOPLE)

Petition for review denied

**S129365**B172957 Second Appellate District,  
Division Five

## PEOPLE v. CLEVELAND

Petition for review denied

**S129370**

E034506 Fourth Appellate District,  
Division Two

## PEOPLE v. GARCIA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129373**

E035080 Fourth Appellate District,  
Division Two

## PEOPLE v. MACK

Petition for review denied

**S129375**

G033221 Fourth Appellate District,  
Division Three

## PEOPLE v. RUSSELL

Petition for review denied

**S129380**

E034261 Fourth Appellate District,  
Division Two

## PEOPLE v. MONEY

Petition for review denied

**S129383**

H026109 Sixth Appellate District

## PEOPLE v. SWANSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129384**

B170810 Second Appellate District,  
Division Eight

## PEOPLE v. JONES

Petition for review denied

**S129387**

B178887 Second Appellate District,  
Division Seven

## GIVENS v. S.C. (PEOPLE)

Petition for review denied

**S129389**

A100568 First Appellate District,  
Division Two

## CHANT v. KALLINS

Petition for review denied

**S129391**

F043998 Fifth Appellate District

## PEOPLE v. MENDOZA

Petition for review denied

**S129392**

A104190 First Appellate District,  
Division One

## CLEMENT v. GOODRICH

Petition for review denied

**S129399**

D043653 Fourth Appellate District,  
Division One

## PEOPLE v. DANIEL

Petition for review denied

**S129400**

C043209 Third Appellate District

## PEOPLE v. BOLTON

Petition for review denied

**S129401**

E034439 Fourth Appellate District,  
Division Two

## PEOPLE v. MARRERO

Petition for review denied

**S129403**

D041152 Fourth Appellate District,  
Division One

## PEOPLE v. LEON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129404**

C044103 Third Appellate District

## PEOPLE v. CIAPPINA

Petition for review denied

**S129405**

D042694 Fourth Appellate District,  
Division One

## PEOPLE v. MARTINEZ

Petition for review denied

**S129406**

H027179 Sixth Appellate District

PEOPLE v. SKINNER

Petition for review denied

**S129408**

C043952 Third Appellate District

PEOPLE v. BAYLESS

Petition for review denied

**S129409**

F045659 Fifth Appellate District

S. (MITCHELL), IN RE

Petition for review denied

**S129410**E034896 Fourth Appellate District,  
Division Two

PEOPLE v. PFEIFFER

Petition for review denied

**S129411**D044304 Fourth Appellate District,  
Division One

PEOPLE v. EUGENE

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129412**B173074 Second Appellate District,  
Division Six

PEOPLE v. HERNANDEZ

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

**S129414**

H025399 Sixth Appellate District

PEOPLE v. KRAMER

Petition for review denied

**S129416**B173172 Second Appellate District,  
Division One

PEOPLE v. FERRERA

Petition for review denied

**S129418**G031980 Fourth Appellate District,  
Division Three

PATTERSON v. BEULIGMAN

Petition for review denied

**S129419**

D042554 Fourth Appellate District,  
Division One

## PEOPLE v. LANE

Petition for review denied

**S129421**

B169081 Second Appellate District,  
Division Four

## PEOPLE v. PERRY

Petition for review denied

**S129424**

G032280 Fourth Appellate District,  
Division Three

## JOHANSEN v. COUNTY OF LOS ANGELES

Petition for review & publication request denied

**S129427**

B168445 Second Appellate District,  
Division Five

## PEOPLE v. ABEYTA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129428**

H026800 Sixth Appellate District

## PEOPLE v. LOPEZ

Petition for review denied

**S129430**

B169247 Second Appellate District,  
Division Eight

## PEOPLE v. PORTILLO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129432**

B178837 Second Appellate District,  
Division Two

## AKOURIS v. S.C. (PEOPLE)

Petition for review denied

**S129434**

A104100 First Appellate District,  
Division One

## PEOPLE v. CLAY

Petition for review denied

**S129435**

H026415 Sixth Appellate District

PEOPLE v. PHAN

Petition for review denied

**S129439**B165389 Second Appellate District,  
Division Eight

POIRER v. STATE FARM MUTUAL AUTO INS.

Petition for review denied

Request for judicial notice denied.

**S129440**A103043 First Appellate District,  
Division Five

DIXON v. CACIOPPO

Petition for review denied

**S129442**

C043831 Third Appellate District

PEOPLE v. MATHIS

Petition for review denied

**S129443**

C047927 Third Appellate District

WINSTON v. W.C.A.B. (FOLSOM LAKE TOYOTA)

Petition for review denied

**S129444**B170105 Second Appellate District,  
Division Four

PEOPLE v. DUNCAN

Petition for review denied

**S129445**

C043920 Third Appellate District

PEOPLE v. FENNEN

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129450**

C045490 Third Appellate District

T. (CHRISTINA), IN RE

Petitions for review denied

**S129457**

C043572 Third Appellate District

GRAY v. MARTINET

Petition for review denied



<b>S129460</b> B167795 Second Appellate District, Division Seven	PEOPLE v. GARCIA Petition for review denied
<b>S129471</b> A102566 First Appellate District, Division One	PEOPLE v. HELLER Petition for review denied
<b>S129473</b> B151922 Second Appellate District, Division Seven	PEOPLE v. MEDINA Petition for review denied
<b>S129474</b> B173379 Second Appellate District, Division Eight	PEOPLE v. THOMAS Petition for review denied
<b>S129475</b> G032481 Fourth Appellate District, Division Three	PEOPLE v. GARCIA Petition for review denied
<b>S129477</b> C044938 Third Appellate District	PEOPLE v. ELLIS Petition for review denied
<b>S129478</b> B168240 Second Appellate District, Division Seven	PEOPLE v. GALVEZ Petition for review denied
<b>S129480</b> E033661 Fourth Appellate District, Division Two	H. (VICTORIA), IN RE Petition for review denied
<b>S129481</b> H026981 Sixth Appellate District	PEOPLE v. MARTE Petition for review denied
<b>S129484</b> C043374 Third Appellate District	PEOPLE v. MALDONADO Petition for review denied

<b>S129485</b> E034150 Fourth Appellate District, Division Two	PEOPLE v. RAMIREZ Petition for review denied
<b>S129487</b> D044163 Fourth Appellate District, Division One	P. (JUSTICE), IN RE Petition for review denied
<b>S129488</b> G033861 Fourth Appellate District, Division Three	C. (CHARLES), IN RE Petitions for review denied
<b>S129490</b> C045728 Third Appellate District	GOYETTE, ESTATE OF Petition for review denied
<b>S129491</b> G024567 Fourth Appellate District, Division Three	PEOPLE v. BERGHAUS Petition for review denied
<b>S129492</b> B169847 Second Appellate District, Division Seven	PEOPLE v. NUNEZ Petition for review denied
<b>S129495</b> B171180 Second Appellate District, Division Seven	PEOPLE v. MCSWEEN Petition for review denied
<b>S129499</b> D042456 Fourth Appellate District, Division One	PEOPLE v. SOUVANNAVONG Petition for review denied
<b>S129503</b> H026668 Sixth Appellate District	LEVINSON v. JOSEPH Petition for review denied
<b>S129504</b> E034647 First Appellate District, Division Two	C. (CALVIN), IN RE Petition for review denied

**S129507**

F043567 Fifth Appellate District

## PEOPLE v. BARGAS

Petition for review denied

**S129508**B168676 Second Appellate District,  
Division Three

## PEOPLE v. BERUMEN

Petition for review denied

**S129509**A102394 First Appellate District,  
Division One

## PEOPLE v. SAMSON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129512**A106287 First Appellate District,  
Division Three

## F. (RUBEN), IN RE

Petition for review denied

**S129519**B167481 Second Appellate District,  
Division Seven

## PEOPLE v. HANEY

Petition for review denied

**S129520**A101889 First Appellate District,  
Division Three

## PEOPLE v. LOPEZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ 124 S.Ct. 2531, on California law.

**S129521**B172949 Second Appellate District,  
Division Eight

## PEOPLE v. MORALES

Petition for review denied

**S129524**D042458 Fourth Appellate District,  
Division One

## PEOPLE v. KOONCE

Petition for review denied

**S129525**

B169159 Second Appellate District,  
Division Six

## PEOPLE v. GUTIERREZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129528**

B173127 Second Appellate District,  
Division Six

## PEOPLE v. HARDIN

Petition for review denied

**S129529**

A105377 First Appellate District,  
Division Four

## PEOPLE v. PALMA

Petition for review denied

**S129531**

B169484 Second Appellate District,  
Division Two

## PEOPLE v. HICKS

Petition for review denied

**S129533**

B169084 Second Appellate District,  
B170646 Division One

## MEDITERRANEAN SEA PARTNERS v. LIN

Petition for review denied

**S129534**

B165908 Second Appellate District,  
Division Seven

## PEOPLE v. AYERS

Petition for review denied

**S129536**

C047860 Third Appellate District

## DOKE v. W.C.A.B (FRAZIER TRUCK LEASING)

Petition for review denied

**S129537**

B172449 Second Appellate District,  
Division One

## HARTFORD CASUALTY INS v. MT. HAWLEY

Petition for review denied

**S129540**

G033066 Fourth Appellate District,  
Division Three

## PEOPLE v. JENNINGS

Petition for review denied

**S129543**

E034585 Fourth Appellate District,  
Division Two

## PEOPLE v. CURTIS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129546**

D043484 Fourth Appellate District,  
Division One

## PEOPLE v. ALVAREZ

Petition for review denied

**S129547**

A100419 First Appellate District,  
Division Two

## PEOPLE v. MASON

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129549**

G032580 Fourth Appellate District,  
Division Three

## PEOPLE v. TRAN

Petition for review denied

**S129553**

A103830 First Appellate District,  
Division One

## PEOPLE v. MCKINLEY

Petition for review denied

**S129561**

B166201 Second Appellate District,  
Division Five

## COOKSEY v. ALEXAKIS

Petition for review denied

**S129568**

A104305 First Appellate District,  
A104306 Division Three

## Q. (JONATHAN), IN RE

Petition for review denied

<b>S129570</b> D045265 Fourth Appellate District, Division One	WINSTON v. S.C. (KOLENDER) Petition for review denied
<b>S129571</b> F044786 Fifth Appellate District	PEOPLE v. DILLIHUNT Petition for review denied
<b>S129575</b> G032666 Fourth Appellate District, Division Three	PEOPLE v. QUILA Petition for review denied
<b>S129577</b> A099244 First Appellate District, Division Five	PEOPLE v. HILL Petition for review denied
<b>S129584</b> B169936 Second Appellate District, Division Four	PEOPLE v. MOORE Petition for review denied
<b>S129586</b> A103305 First Appellate District, Division Two	PEOPLE v. NAVARRO Petition for review denied
<b>S129590</b> E034727 Fourth Appellate District, Division One	PEOPLE v. TRUJILLO Petition for review denied
<b>S129591</b> G032407 Fourth Appellate District, Division Three	PEOPLE v. VIRGLE Petition for review denied
<b>S129594</b> H027407 Sixth Appellate District	PEOPLE v. BURSE Petition for review denied
<b>S129595</b> C045702 Third Appellate District	PEOPLE v. CLAY Petition for review denied

**S129597**

C046141 Third Appellate District

PEOPLE v. DYKES

Petition for review denied

**S129604**B168983 Second Appellate District,  
Division Three

PEOPLE v. CORTEZ

Petition for review denied

**S129605**A104019 First Appellate District,  
Division Five

PEOPLE v. CAMERON

Petition for review denied

**S129610**B170731 Second Appellate District,  
Division One

PEOPLE v. BAEZA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129615**

H026511 Sixth Appellate District

PEOPLE v. VILLARUZ

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129617**

C045130 Third Appellate District

PEOPLE v. HERMAN

Petition for review denied

**S129618**B165660 Second Appellate District,  
Division One

PEOPLE v. SILVA

Petition for review denied

**S129619**B169294 Second Appellate District,  
Division Seven

PEOPLE v. G. (GONZALO)

Petition for review denied

**S129621**  
C043459 Third Appellate District

PEOPLE v. BAKER  
Petition for review denied

**S129622**  
E034496 Fourth Appellate District,  
Division Two

PEOPLE v. GUTIERREZ  
Petition for review denied

**S129623**  
F044212 Fifth Appellate District

PEOPLE v. CHRIS  
Petition for review denied

**S129626**  
B168245 Second Appellate District,  
Division Four

PEOPLE v. SOLIS  
Petition for review denied

**S129627**  
G033255 Fourth Appellate District,  
Division Three

PEOPLE v. NAVETTA  
Petition for review denied

**S129629**  
C042955 Third Appellate District

PEOPLE v. HORN  
Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129631**  
A104936 First Appellate District,  
Division Two

PEOPLE v. WILLIAMS (RENONEDO)  
Petition for review denied

**S129633**  
B169143 Second Appellate District,  
Division Three

PEOPLE v. WILLIAMS (JOSEPH)  
Petition for review denied

**S129636**  
D042307 Fourth Appellate District,  
Division One

PEOPLE v. KAHLE  
Petition for review denied



**S129637**

B168928 Second Appellate District,  
Division Seven

## PEOPLE v. ROMANO

Petition for review denied

**S129639**

B179050 Second Appellate District,  
Division Two

## COOPER v. S.C. (PEOPLE)

Petition for review denied

**S129651**

H026320 Sixth Appellate District

## PEOPLE v. BAULER

Petition for review denied

**S129663**

B168794 Second Appellate District,  
Division Six

## PEOPLE v. EBERT

Petition for review denied

**S129668**

H027190 Sixth Appellate District

## PEOPLE v. SHARP

Petition for review denied

**S129670**

B171362 Second Appellate District,  
Division Four

## PEOPLE v. LUNDIN

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S129673**

B166952 Second Appellate District,  
Division Four

## PEOPLE v. CASAS

Petition for review denied

**S129675**

A105176 First Appellate District,  
Division Three

## HUGHES v. KLEIN

Petition for review denied

**S129678**

E034994 Fourth Appellate District,  
Division Two

## PEOPLE v. ARAGON

Petition for review denied

**S129679**

B168680 Second Appellate District,  
Division Seven

## PEOPLE v. CHRISTOPHE

Petition for review denied

**S129682**

B171425 Second Appellate District,  
Division One

## PEOPLE v. VALENZUELA

Petition for review denied

**S129685**

B172761 Second Appellate District,  
Division Six

## PEOPLE v. MILLS

Petition for review denied

**S129689**

B171311 Second Appellate District,  
Division Seven

## PEOPLE v. GRAY

Petition for review denied

**S129695**

C046681 Third Appellate District

## PEOPLE v. RAMOS

Petition for review denied

**S129702**

B151403 Second Appellate District,  
Division Three

## PEOPLE v. ALSBORGH

Petition for review denied

**S129703**

B167384 Second Appellate District,  
Division Eight

## PEOPLE v. MORROW

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S129704**

C046473 Third Appellate District

## PATERNO v. S.C. (STATE OF CALIFORNIA)

Petition for review denied

**S129707**

F044294 Fifth Appellate District

## PEOPLE v. AUSBIE

Petition for review denied

**S129708**

H025946 Sixth Appellate District

## PEOPLE v. HERNANDEZ

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

**S129709**

E034752 Fourth Appellate District,  
Division Two

## PEOPLE v. BROWN

Petition for review & publication request denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129712**

B171952 Second Appellate District,  
Division Six

## PEOPLE v. WILLIAMS

Petition for review denied

**S129713**

G033122 Fourth Appellate District,  
Division Three

## PEOPLE v. HUNT

Petition for review denied

**S129714**

D043193 Fourth Appellate District,  
Division One

## PEOPLE v. THURMOND

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129721**

D043888 Fourth Appellate District,  
Division One

## PEOPLE v. HANSEN

Petition for review denied

**S129723**

G034738 Fourth Appellate District,  
Division Three

## AMERICAN LIBERTY BAIL v. S.C. (PEOPLE)

Petition for review denied

**S129726**

E035037 Fourth Appellate District,  
Division Two

## PEOPLE v. AUBREY

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court decides *People v. Cage*, S127373.

**S129730**

B169804 Second Appellate District,  
Division Six

## PEOPLE v. SHAPIRO

Petition for review denied

**S129731**

B178237 Second Appellate District,  
Division Two

## CAZARES v. W.C.A.B. (NORMAN BELL ENT.)

Petition for review denied

Request for judicial notice granted.

**S129736**

B178881 Second Appellate District,  
Division Three

## OROZCO v. S.C. (PEOPLE)

Petition for review denied

**S129744**

B171173 Second Appellate District,  
Division Six

## EDDY v. FIELDS

Petition for review denied

**S129746**

B170334 Second Appellate District,  
Division Two

## PEOPLE v. WHITE

Petition for review denied

**S129747**

C045164 Third Appellate District

## PEOPLE v. DAWKINS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129750**

B172087 Second Appellate District,  
Division Six

## PEOPLE v. JONES

Petition for review denied

**S129756**

B177472 Second Appellate District,  
Division One

## WYATT v. W.C.A.B. (KENTUCKY FRIED CHICK)

Petition for review denied

**S129757**

B171873 Second Appellate District,  
Division Eight

## PEOPLE v. SANTOS

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129758**

C044518 Third Appellate District

## PEOPLE v. MCKINNIE

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129759**

C042347 Third Appellate District

## PEOPLE v. DAO

Petitions for review denied

**S129760**

E035018 Fourth Appellate District,  
Division Two

## PEOPLE v. JONES

Petition for review denied

**S129764**

B178963 Second Appellate District,  
Division Two

## WILLIAMS (NATHANIEL) ON H.C.

Petition for review denied

**S129765**

A108392 First Appellate District,  
Division Five

## ARCHER v. S.C.(PEOPLE)

Petition for review denied

**S129770**

E035996 Fourth Appellate District,  
Division Two

## P. (LUIS), IN RE

Petition for review denied

**S129780**

D041258 Fourth Appellate District,  
Division One

## BONILLA v. TRANSAMERICAN AUTO PARTS

Petition for review & publication request denied

**S129792**

C045403 Third Appellate District

PEOPLE v. NGO

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129799**B174999 Second Appellate District,  
Division Five

PEOPLE v. BENAVIDEZ

Petition for review denied

**S129815**

C044873 Third Appellate District

PEOPLE v. MONCAYO

Petition for review denied

**S129818**B179413 Second Appellate District,  
Division Seven

HAMMOND v. S.C. (PEOPLE)

Petition for review denied

**S129820**B175003 Second Appellate District,  
Division Six

PEOPLE v. ARGUETA

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129823**B170423 Second Appellate District,  
Division Eight

PEOPLE v. SAZ

Petition for review denied

**S129824**B163693 Second Appellate District,  
Division Eight

PEOPLE v. ROBINSON

Petition for review denied

**S129828**A103317 First Appellate District,  
Division Five

PEOPLE v. MININ

Petition for review denied

**S129842**

C043685 Third Appellate District

## PEOPLE v. BUTCHER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129845**B173684 Second Appellate District,  
Division Two

## PEOPLE v. GREEN

Petition for review denied

**S129848**A106215 First Appellate District,  
Division Four

## PEOPLE v. BRONSON

Petition for review denied

**S129856**D042454 Fourth Appellate District,  
Division One

## PEOPLE v. SMITH

Petition for review denied

**S129861**D043083 Fourth Appellate District,  
Division One

## PEOPLE v. FREEMAN

Petition for review denied

**S129867**D043562 Fourth Appellate District,  
D043346 Division One

## PEOPLE v. HOLDER

Petition for review denied

denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ 124 S.Ct. 2531, on California law.

**S129870**E036944 Fourth Appellate District,  
Division Two

## HAAB (GORDON) ON H.C.

Petition for review denied

**S129871**

F044798 Fifth Appellate District

## PEOPLE v. GRAJEDA

Petition for review denied

**S129907**  
C045949 Third Appellate District

PEOPLE v. MCKNIGHT  
Petition for review denied

**S129923**  
B170953 Second Appellate District,  
Division Six

PEOPLE v. VILLASENOR  
Petition for review denied

**S129979**  
G034762 Fourth Appellate District,  
Division Three

MCKINNEY v. S.C.(CITY OF SAN DIEGO)  
Petition for review denied

**S130099**  
B179893 Second Appellate District,  
Division Five

L. v. S.C. (LOS ANGELES COUNTY)  
Petition for review and application for stay denied

**S130312**  
B179927 Second Appellate District,  
Division One

EIDELMAN v. S.C. (HARRIS)  
Petition for review and application for stay denied

**S130453**  
B179294 Second Appellate District,  
Division Three

SPECTOR v. S.C. (PEOPLE)  
Petition for review and application for stay denied

**S118283**

BLUITT (MELVIN) ON H.C.  
Petition for writ of habeas corpus & stay denied

Brown, J., was recused and did not participate.

**S118800**

THOMAS (JEROME) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S119312**

ELLIS (NATHAN J.) ON H.C.  
Petition for writ of habeas corpus denied

Kennard, J., Werdegar, J. and Moreno, J. are of  
the opinion the petition should be granted.



**S119547**

ROBERTS (STANLEY) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S119859**

JOHNSON (ROBERT) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S120226**

HEDGES (BRUCE N.) ON H.C.  
Petition for writ of habeas corpus denied

**S120228**

MONTEON (ALFREDO) ON H.C.  
Petition for writ of habeas corpus denied

**S120714**

HENRY (STEPHEN) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S120838**

CROWTHER (JAMES A.) ON H.C.  
Petition for writ of habeas corpus denied

**S121135**

BLUITT (MELVIN) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S121147**

RAMIREZ (MARCO) ON H.C.  
Petition for writ of habeas corpus denied

**S121154**

HICKS (RON) ON H.C.  
Petition for writ of habeas corpus denied

**S121316**

MCCLENTON (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied

**S122109**

SCOGGINS (RAY) ON H.C.  
Petition for writ of habeas corpus denied

denied for lack of diligence. (See *In re Robbins*  
(1998) 18 Cal.4th 770, 780.)

**S122613**

YOUNG (MIGUEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Miller* (1941) 17 Cal.2d 734; *In re Robbins*  
(1998) 18 Cal.4th 770, 780.)

**S122705**

CABRERA (EDDIE) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S122994**

ELSTON (IRIA) ON H.C.  
Petition for writ of habeas corpus denied

**S122997**

HIGGINS (HAROLD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Dixon* (1953) 41 Cal.2d 756.)

**S122998**

HERNANDEZ (JOE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re*  
*Robbins* (1998) 18 Cal.4th 770, 780.)

**S123011**

NAVA-AGUILAR (JOSE M.) ON H.C.  
Petition for writ of habeas corpus denied

**S123012**

MATHEWS (CHERI LEE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Robbins* (1998) 18 Cal.4th 770, 780.)

**S123070**

MARTIN (MELVENIA E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123104**

NIGRO (PASQUALE) ON H.C.  
Petition for writ of habeas corpus denied

**S123106**

MARTINEZ (FELIX Q.) ON H.C.  
Petition for writ of habeas corpus denied

**S123109**

CHANTHANAM (SOMPHONG) ON H.C.  
Petition for writ of habeas corpus denied

**S123112**

PRATT (CHARLES E.) ON H.C.  
Petition for writ of habeas corpus denied

**S123154**

ZUNIGA (OSCAR T.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S123173**

BROWN (DARIUS) ON H.C.  
Petition for writ of habeas corpus denied

**S123188**

GARCIA (STEVEN A.) ON H.C.  
Petition for writ of habeas corpus denied

**S123195**

CAMPOS (RIGOBERTO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750.)

**S123217**

HERRERA (JOHN J.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123223**

FLORES (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

**S123224**

WILLIAMS (RONALD) ON H.C.  
Petition for writ of habeas corpus denied

**S123225**

ARMENDARIZ (JOE) ON H.C.  
Petition for writ of habeas corpus denied

**S123227**

TRAINER (TERRY) ON H.C.  
Petition for writ of habeas corpus denied

**S123228**

MORENO (NABOR) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123247**

VIGIL (GEMINI) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218.)

**S123249**

CHAVEZ (GEORGE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S123771**

WILLIAMS (RONALD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921

**S125186**

BRYANT (BRADFORD) ON H.C.  
Petition for writ of habeas corpus denied

(See *People v. Duvall* (1995) 9 Cal.4th 464,  
474.)

Brown, J., was recused and did not participate.

**S126080**

SCOGGINS (RAYFEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Miller* (1941) 17 Cal.2d 734.)

**S127504**

GABAY (ALEXANDER) ON H.C.  
Petition for writ of habeas corpus denied

Application to appear pro hac vice granted.  
(Cal. Rules of Court, rule 983(b).)

**S127793**

ELEX (PHILIP) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S128583**

WASINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S129181**

CARMONY (HAROLD E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

**S129287**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Clark* (1993) 5 Cal.4th 750.)

**S129288**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.)

**S129343**

SPEARS (MARK A.) ON H.C.  
Petition for writ of habeas corpus denied

**S129353**

BROWN (TONY) ON H.C.  
Petition for writ of habeas corpus denied

**S129437**

DONLEY (STEPHAN L.) ON H.C.  
Petition for writ of habeas corpus denied

**S129607**

WASHINGTON (RODERICK) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921; *In re Clark* (1993) 5 Cal.4th 750.)

**S129624**

BAIRFIELD (DANA D.) ON H.C.  
Petition for writ of habeas corpus denied

**S129649**

TALAMANTEZ (JOSEPH) ON H.C.  
Petition for writ of habeas corpus denied

**S129691**

ANTHONY (MARTIN) ON H.C.  
Petition for writ of habeas corpus denied

**S129700**

BROTHER (HENRI) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S129715**

RAMIREZ (RAFAEL) ON H.C.  
Petition for writ of habeas corpus denied

**S129728**

HOUSTON (ERNEST LEE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129739**

CONTERO (LARRY P.) ON H.C.  
Petition for writ of habeas corpus denied

**S129742**

WILSON (MARK) ON H.C.  
Petition for writ of habeas corpus denied

**S129773**

MAXWELL (MICHAEL G.) ON H.C.  
Petition for writ of habeas corpus & stay denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)

**S129782**

ROSALES (LUIS) ON H.C.  
Petition for writ of habeas corpus denied

**S129841**

MIKHO (MIKE) ON H.C.  
Petition for writ of habeas corpus denied

**S129847**

THOMAS (DANIEL RAY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129849**

SINGLETON (DUANE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S129894**

ARANDA (ARTHUR) ON H.C.  
Petition for writ of habeas corpus denied

**S129910**TILLEY (JAMES ROY) ON H.C.  
Petition for writ of habeas corpus denied(See *In re Dixon* (1953) 41 Cal.2d 756.)**S129927**PAYTON (EDWARD) ON H.C.  
Petition for writ of habeas corpus denied**S130460**MORGAN ( MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied**S129661**D045075 Fourth Appellate District,  
D045076 Division OneWESTLY v. S.C. (CATES)  
Publication ordered (case closed)

On the recommendation of the Court of Appeal pursuant to rule 978 of the California Rules of Court, the Reporter of Decisions is directed to publish the opinion in the above-entitled appeal in the Official Reports. (See rule 978(c)(2), California Rules of Court.)

**S126818**D042893 Fourth Appellate District,  
Division OneMANN v. QUALITY OLD TIME SERVICE  
Depublication requests denied (case closed)**S127482**

C044387 Third Appellate District

ALAMEIDA v. STATE PERSONNEL BOARD  
Depublication request denied (case closed)**S127932**G033648 Fourth Appellate District,  
Division ThreePACIFIC DECISION v. S.C. (MAUDLIN)  
Depublication requests denied (case closed)**S128494**B168732 Second Appellate District,  
Division SevenMANDUJANO v. MAKITA U.S.A.  
Publication request denied (case closed)**S128709**A103014 First Appellate District,  
Division OneHA v. COUNTY OF ALAMEDA  
Publication request denied (case closed)



**S128767**

A103127 First Appellate District,  
Division One

HA v. RHODEN

Publication request denied (case closed)

**S128769**

A102919 First Appellate District,  
Division One

HA v. ARANAS

Publication request denied (case closed)

**S128770**

A103923 First Appellate District,  
Division One

HA v. FRYE

Publication request denied (case closed)

**S129018**

D044129 Fourth Appellate District,  
Division One

L. (ALEXANDER), IN RE

Publication request denied (case closed)

**S129019**

D043871 Fourth Appellate District,  
Division One

M. (KATELYN), IN RE

Publication request denied (case closed)

**S129099**

D043137 Fourth Appellate District,  
Division One

PEOPLE v. MOTTER

Publication request denied (case closed)

**S129260**

C045717 Third Appellate District

PEOPLE v. ROSS

Publication request denied (case closed)

**S129296**

C043689 Third Appellate District

PEOPLE v. RUMSEY

Publication request denied (case closed)

**S129337**

B167719 Second Appellate District,  
Division Five

JOHNSON v. CALIFORNIA-PACIFIC ANNUAL  
CONFERENCE UNITED METHODIST CHURCH

Publication request denied (case closed)

**S129643**

A086991 First Appellate District,  
Division Four

HENLEY v. PHILLIP MORRIS

Publication request denied (case closed)

**S012279**

PEOPLE v. LUCAS (DAVID A.)

Extension of time granted

to March 11, 2005 to file the respondent's brief. After that date, only five further extensions totaling about 305 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General William M. Wood's representation that he anticipates filing that brief by January 16, 2006.

**S027264**

PEOPLE v. FRIEND (JACK W.)

Extension of time granted

to March 7, 2005 to file the respondent's brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Greg E. Zywicke's representation that he anticipates filing that brief by April 6, 2005.

**S029011**

PEOPLE v. SOLOMON (MORRIS, JR.)

Extension of time granted

to March 15, 2005 to file the respondent's brief. After that date, only two further extensions totaling about 120 additional days will be granted. Extension is granted based upon Deputy Attorney General David Andrew Eldridge's representation that he anticipates filing that brief by July 15, 2005.

**S047867**

PEOPLE v. VIRGIL (LESTER W.)

Extension of time granted

to March 7, 2005 to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon counsel Manuel Baglanis's representation that he anticipates filing that brief by March 7, 2005.

**S058537**PEOPLE v. COLLINS (SCOTT FORREST)  
Extension of time granted

to February 10, 2005 to file appellant's opening brief. After that date, no further extension will be granted. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by February 10, 2005.

**S072316**PEOPLE v. GONZALES (VERONICA)  
Extension of time granted

to March 21, 2005 to file the appellant's opening brief.

**S116554**AVILA (JOHNNY) ON H.C.  
Extension of time granted

to February 14, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 20 additional days will be granted. Extension is granted based upon counsel Gary B. Wells's representation that he anticipates filing that document by March 4, 2005.

**S121187**WILLIAMS (DAVID EARL) ON H.C.  
Extension of time granted

to February 7, 2005 to file the reply to the informal response. After that date, only one further extensions totaling about 51 additional days will be granted. Extension is granted based upon counsel Michael Belter's representation that he anticipates filing that document by March 28, 2005.

**S126715**B152759 Second Appellate District,  
B154184 Division FiveSOUKUP v. HAFIF  
Extension of time granted

to February 10, 2005 to file respondent's opening brief on the merits.

**S126851**LENART (THOMAS) ON H.C.  
Extension of time granted

to February 18, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 110 additional days will be granted. Extension is granted based upon counsel Phyllis M. Quatman's representation that she anticipates filing that brief by 06/08/05.

**S126864**B154311 Second Appellate District,  
Division FiveSOUKUP v. STOCK  
Extension of time granted

to February 10, 2005 to file respondent's opening brief on the merits.

**S009169**PEOPLE v. KIPP (MARTIN)  
Counsel appointment order filed

Good cause appearing, the separate applications of appointed lead and associate counsel for permission to withdraw as attorneys of record for condemned prisoner Martin James Kipp, filed December 13, 2004, and December 15, 2004, respectively, are granted.

The order appointing Ross Thomas as counsel of record for condemned prisoner Martin James Kipp, filed August 3, 1989, is hereby vacated, and the order appointing John Ward as associate counsel of record for condemned prisoner Martin James Kipp, filed November 16, 1990, is hereby vacated.

The Federal Public Defender for the Central District of California is hereby appointed attorney of record for condemned prisoner Martin James Kipp. Counsel is appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

**S129852**B166937 Second Appellate District,  
Division Six

PEOPLE v. GILES

Counsel appointment order filed

Marilyn Burkhardt for appellant ( Giles).  
Appellant's brief on the merits must be served  
and filed on or before thirty days

**S014664**

PEOPLE v. GRAY (MARIO L.)

Record augmentation granted in part/denied in part

Respondent's request to augment the record,  
filed in this court on January 22, 1999, is  
granted.

Appellant's request to augment the record,  
filed in this court on August 17, 1999, is granted  
in part and denied in part, as follows:

(a) The request to augment the appellate  
record with exhibit A is denied. (See Cal. Rules  
of Court, rule 34.1(a)(3) [items admitted into  
evidence, refused or lodged with the trial court  
are already part of the record; *People v. Brooks*  
(1980) 26 Cal.3d 471, 484 ["Augmentation is  
not available . . . for the purpose of adding  
material that was not a proper part of the record  
in the trial court"].)

(b) The request to augment the appellate  
record with exhibits L and P is denied because  
these items are already part of the record. (See  
CT 371, 383.)

(c) The request to augment the appellate  
record with exhibits E through K, exhibits M, N  
and O, and exhibits Q through DD is granted.

Appellant's request for judicial notice, filed  
in this court on August 31, 1999, is denied.

**S030553**

PEOPLE v. WILLIAMS (GEORGE)

Motion denied

Appellant's "Application for Order Unsealing  
Portions of Record on Appeal," filed on  
September 2, 2004, is denied.

**S115823**B158966 Second Appellate District,  
Division TwoREYNOLDS v. BEMENT  
Order filed

Plaintiff's "Motion for Order Substituting Personal Representatives for Deceased Defendant and Granting Leave to File Supplemental Complaint" is granted in part and denied in part. The motion is granted with respect to plaintiff's request for a substitution of defendants; Russell Goldsmith and City National Bank, personal representatives of the estate of Stuart D. Buchalter, are substituted in lieu of deceased defendant Stuart D. Buchalter. (Code Civ. Proc., § 377.41.) The motion is denied with respect to plaintiff's request for leave to file a supplemental complaint, without prejudice as to the request's being renewed in the trial court if appropriate.

**125540-05**

THE HONORABLE STEVEN M. VARTABEDIAN, Associate Justice of the Court of Appeal, Fifth Appellate District, is hereby assigned to assist the Supreme Court of California as a justice thereof, on January 12, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**125541-05**

THE HONORABLE JAMES D. WARD, Associate Justice of the Court of Appeal, Fourth Appellate District, Division Two, is hereby assigned to assist the Supreme Court of California as a justice thereof, on January 12, 2005, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

**SUPREME COURT OF CALIFORNIA  
ORAL ARGUMENT CALENDAR  
SACRAMENTO SESSION  
FEBRUARY 8, 2005**

The following cases are placed upon the calendar of the Supreme Court for oral argument at its courtroom in the Stanley Mosk Library and Courts Building, Sacramento, California, on February 8, 2005.

TUESDAY, FEBRUARY 8, 2005 – 9:15 A.M.

S121173	Fox v. Ethicon Endo-Surgical
S118052	People v. Thomas
S114888	Parnell v. Adventist Health System/West

2:00 P.M.

S109735	Julian v. Hartford Underwriters
S110887	In re Reeves on Habeas Corpus
S030644	People v. Ricardo Roldan (Automatic Appeal)

GEORGE  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

